

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

GLENN H. GORTON,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-08-1383-F
	)	
DAVID C. MILLER, et al.,	)	
	)	
Defendants.	)	

**ORDER**

Plaintiff Glenn H. Gorton, a prisoner appearing *pro se* and *in forma pauperis* whose pleadings are liberally construed, brings this action pursuant to 42 U.S.C. § 1983.

Plaintiff has not objected to the February 4, 2009 Report and Recommendation of Magistrate Judge Robert E. Bacharach, in which Magistrate Judge Bacharach recommends that plaintiff's action be dismissed as frivolous, pursuant to 28 U.S.C. §1915(e)(2)(B)(i), because it is repetitive with another suit. The Magistrate Judge further recommends that the dismissal should be counted as a prior occasion or strike, pursuant to 28 U.S.C. § 1915(g), after plaintiff has exhausted or waived his right to appeal.

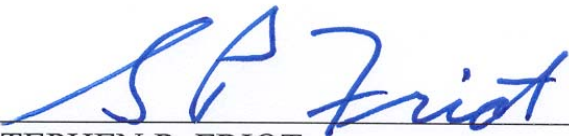
Having conducted its review, and after consideration of the record and the authorities, the court finds that it agrees with the Report and Recommendation of the Magistrate Judge and that no purpose would be served by stating any further analysis here.

Accordingly, the Report and Recommendation of Magistrate Judge Bacharach are **ACCEPTED**, **ADOPTED**, and **AFFIRMED** in their entirety. This action is dismissed as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Additionally, this

dismissal should count as a prior occasion or strike, pursuant to 28 U.S.C. § 1915(g), after plaintiff has exhausted or waived his right to appeal.

Finally, the court notes that after the Report and Recommendation was filed, plaintiff filed a motion, at doc. no. 12, apparently seeking an injunction order. That motion is **DENIED** as moot.

Dated this 11<sup>th</sup> day of March, 2009.

  
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STEPHEN P. FRIOT  
UNITED STATES DISTRICT JUDGE

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